

REMARKS

Reconsideration of the application in light of the amendments and the following remarks is respectfully requested.

Applicants acknowledge the courtesy and effort extended by the Examiner to their attorney, Richard J. Katz, during a telephone interview. The substance of the interview addressed claims 1-4 and proposed amendments to overcome their rejection under 35 U.S.C. § 112.

Status of the Claims

Claims 1-16 are pending. Claims 1-8, 13, 15, 17 and 18 have been amended. No new matter has been added.

Applicants appreciatively acknowledge the Examiner's indication of allowable subject matter in claims 1-4. Claims 1-4 have been amended, and Applicants submit that for the reasons discussed below claims 1-4 are now in condition for allowance.

Rejection Under 35 U.S.C. § 112

Claims 1-18 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claims 1-8, 13, 15, 17 and 18 have been amended, and Applicants submit that amended claims 1-18 are in conformance with the requirements of 35 U.S.C. § 112. Therefore, Applicants request withdrawal and reconsideration of the rejection.

Rejection Under 35 U.S.C. § 101

Claims 5-7 stand rejected under 35 U.S.C. § 101 as being unpatentable for claiming non-statutory subject matter. The Examiner contends that claim 5 recites a recording medium which is a storage medium and, thus, cannot contain means.

Amended claim 5 is directed to a recording medium, and now recites features of “a data structure stored thereon.” Applicant submits that amended claim 5 now recites statutory subject matter. Amended claims 6 and 7 depend from claim 5, and also recite statutory subject matter. Withdrawal and reconsideration of the rejection is requested.

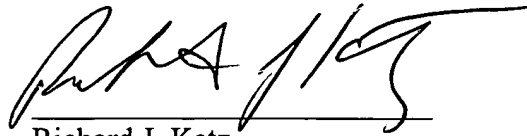
Rejection under 35 U.S.C. § 103

Claims 5, 7-8, 10-13 and 15-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6, 404,781 to Kawamae et al. (“Kawamae”) in view of U.S. Patent No. 6,731,774 to Hosaka et al. (“Hosaka”). The feature of “said packing data is subdivided into data each having a fixed length” recited in claims 5, 8 and 13 was not examined.

The Examiner contends that Kawamae discloses most of the features of claims 5, 8 and 13. However, the Examiner acknowledges that Kawamae does not disclose that the embedding data is repeatedly connected sequentially without interval. The Examiner cites Hosaka as disclosing that a watermark is repeated vertically and horizontally and contends this is sequentially connected without interval. The Examiner states that it would have been obvious for a person of ordinary skill in the art at the time of the invention to combine Kawamae and Hosaka to achieve the invention of claims 5, 8 and 13.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,



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